

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST
LITIGATION

This Document Relates To:

THE COMMERCIAL AND
INSTITUTIONAL PURCHASER
PLAINTIFF ACTION

Case No. 18-cv-1776 (JRT/HB)

**Declaration of Shawn M. Raiter in
Support of Motion for Preliminary
Approval of Class Action Settlement
Between the Commercial and
Institutional Indirect Purchaser
Plaintiffs and JBS Defendants**

I, Shawn M. Raiter, state under oath, as follows:

1. I am an attorney and partner at Larson · King, LLP. The Court previously appointed me Interim Co-Lead Counsel for the Commercial and Institutional Indirect Purchaser Plaintiffs (“CIIPP”) (Dkt. 150). I have full knowledge of the matters stated herein and could and would testify thereto.

2. The CIIPPs seek preliminary approval of the settlement with Defendants JBS USA Food Company, JBS USA Food Company Holdings, and Swift Pork Company (collectively, “JBS”). This first settlement for the CIIPPs – negotiated at arm’s length – provides \$12,750,000.00 in settlement money. CIIPPs and JBS reached a settlement following multiple negotiation and mediation sessions, using an experienced mediator. The settlement provides substantial monetary and non-monetary relief to the CIIPP class and will be valuable in the CIIPPs’ pursuit of their claims against the non-settling Defendants.

3. Counsel for JBS and Interim Co-Lead Counsel for CIIPPs initially discussed settlement informally. The parties then agreed to mediate with Professor Eric Green, a noted mediator with Resolutions, LLC. A settlement was not reached after the first full day of mediation, but the parties continued to discuss resolution through Professor Green. The parties mediated a second time and reached an agreement on material terms and then negotiated a full settlement agreement. The parties signed the settlement agreement on March 25, 2021.

4. Since filing their first complaint, the CIIPPs have coordinated with the other plaintiff groups to pursue discovery and advance this litigation. For example, Magistrate

Judge Bowbeer granted the plaintiffs' motion to compel Agri Stats to produce documents it provided to the Department of Justice. The CIPPs used information gleaned from those documents in the CIPPs' Third Consolidated and Amended Complaint (Dkt. 432). Working with counsel representing the other plaintiff classes, the CIPPs have collected over 85,000 documents relevant to the Defendants and the pork market. Counsel for the CIPPs have collected data, documents, and other information about the conspiracy allegations and the pork market.

5. This settlement was reached following receipt of substantial information from the defendants and other sources. Other documents and information have been produced in the litigation and were used by CIPPs to inform them in their negotiations with JBS.

6. Interim Co-Lead Counsel for the CIPPs believe this proposed settlement provides substantial monetary and non-monetary value to the CIPPs and is a reasonable resolution of the claims asserted against JBS. The named representative CIPPs have fulfilled their duties as class representatives by actively participating in the litigation. These representatives will continue to remain apprised of the status of the litigation and will stay involved to seek additional recoveries for similarly situated businesses and individuals.

7. Attached hereto as Exhibit A is a true and correct copy of the Settlement Agreement Between Commercial and Institutional Indirect Purchaser Plaintiffs and JBS, dated March 25, 2021.

8. Attached hereto as Exhibit B, and filed under seal, is a true and correct copy of the provisional opt out reduction agreement between Commercial and Institutional

Indirect Purchaser Plaintiffs and JBS, dated March 25, 2021.

9. With the Court's approval CIIPPs will, in a separate motion, seek the Court's approval of a plan to provide notice to members of the settlement class.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: April 15, 2021

s/Shawn M. Raiter
Shawn M. Raiter #240424